

AMENDMENT TO H.R. 2670
OFFERED BY MR. BANKS OF INDIANA

At the appropriate place in title VIII, insert the following:

1 SEC. 8 ____ . SECURING MARITIME DATA FROM CHINA.

2 (a) COUNTERING THE SPREAD OF COVERED LOGIS-
3 TICS SOFTWARE.—

4 (1) CONTRACTING PROHIBITION.—

5 (A) IN GENERAL.—The Department of De-
6 fense may not enter into a contract with an en-
7 tity that uses covered logistics software.

8 (B) APPLICABILITY.—This paragraph shall
9 apply with respect to any contract entered into
10 on or after the date that is 180 days after the
11 enactment of this subsection.

12 (2) WAIVER.—The Secretary of Defense may
13 waive the provisions of this subsection for a specific
14 contract—

15 (A) if the Secretary makes a determination
16 that such waiver is vital to the national security
17 of the United States; and

18 (B) submits to Congress a report justifying
19 the use of such waiver and the importance of

1 such waiver to the national security of the
2 United States.

3 (3) REPORT.—Not later than one year after the
4 date of the enactment of this subsection, and annu-
5 ally for three subsequent years, the Secretary of De-
6 fense shall submit to Congress a report on the im-
7 plementation of this subsection.

8 (b) POLICY WITH RESPECT TO PORTS ACCEPTING
9 FEDERAL GRANT MONEY.—

10 (1) IN GENERAL.—Chapter 503 of title 46,
11 United States Code, is amended by adding at the
12 end the following:

13 **“§ 50309. Prohibited use**

14 “(a) IN GENERAL.—A covered port authority may
15 not use covered logistics software.

16 “(b) GUIDANCE.—The Secretary of Transportation,
17 in consultation with the Secretary of Defense, shall pub-
18 lish on a website of the Department of Transportation,
19 and update regularly, a list of entities subject to the prohi-
20 bition in subsection (a).

21 “(c) CONSULTATION.—The Secretary of Transpor-
22 tation shall consult with the Department of State in car-
23 rying out this section.

1 “(d) WAIVER.—The Secretary of Transportation, in
2 consultation with the Secretary of State, may waive the
3 provisions of this section for a specific contract—

4 “(A) if the Secretary of Transportation
5 makes a determination that such waiver is vital
6 to the national security of the United States;
7 and

8 “(B) submits to Congress a report justi-
9 fying the use of such waiver and the importance
10 of such waiver to the national security of the
11 United States.

12 “(a) DEFINITIONS.—In this section:

13 “(1) COVERED LOGISTICS SOFTWARE.—The
14 term ‘covered logistics software’ means—

15 “(A) the public, open, shared logistics in-
16 formation network known as the National Pub-
17 lic Information Platform for Transportation
18 and Logistics by the Ministry of Transport of
19 China or any affiliate or successor entity;

20 “(B) any other transportation logistics
21 software designed to be used by port authorities
22 subject to the jurisdiction, ownership, direction,
23 or control of a foreign adversary; or

1 “(C) any other logistics platform or soft-
2 ware that shares data with a system described
3 in subparagraphs (A) or (B).

4 “(2) COVERED PORT AUTHORITY.—The term
5 ‘covered port authority’ means a port authority that
6 receives funding under a program authorized under
7 part C of this subtitle.”

8 (2) APPLICABILITY.—Section 50309 of title 46,
9 United States Code, as added by paragraph (1),
10 shall apply with respect to any contract entered into
11 on or after the date that is 180 days after the enact-
12 ment of this subsection.

13 (3) REPORTING.—Not later than one year after
14 the date of the enactment of this subsection, and an-
15 nually for three subsequent years, the Secretary of
16 Transportation shall submit to Congress a report on
17 the implementation of section 50309 of title 46,
18 United States Code, as added by paragraph (1).

19 (c) NEGOTIATIONS WITH ALLIES AND PARTNERS.—

20 (1) NEGOTIATIONS REQUIRED.—The Secretary
21 of State shall seek to enter into negotiations with
22 United States ally and partner countries, including
23 those described in paragraph (3), if the President
24 determines that ports or other entities operating
25 within the jurisdiction of such ally or partner coun-

1 tries are using or are considering using covered lo-
2 gistics software.

3 (2) ELEMENTS.—As part of the negotiations
4 described in paragraph (1), the President shall—

5 (A) urge governments of such ally and
6 partner countries to require entities within the
7 jurisdiction of such governments to terminate
8 the use of covered logistics software;

9 (B) describe the threats posed by covered
10 logistics software to United States military and
11 strategic interests and the implications such
12 threats may have for the presence of members
13 of the Armed Forces of the United States in
14 such countries;

15 (C) urge governments to use their voice,
16 influence, and vote to align with the United
17 States and to counter attempts by foreign ad-
18 versaries at international standards-setting bod-
19 ies to adopt standards that incorporate covered
20 logistics software; and

21 (D) attempt to establish, through multilat-
22 eral entities, bilateral or multilateral negotia-
23 tions, military cooperation, and other relevant
24 engagements or agreements, a prohibition on
25 the use of covered logistics software.

1 (3) ALLIES AND PARTNERS DESCRIBED.—The
2 countries and entities with which the President shall
3 conduct negotiations described in this subsection
4 shall include—

5 (A) all countries party to a collective de-
6 fense treaty or other collective defense arrange-
7 ment with the United States;

8 (B) India; and

9 (C) Taiwan.

10 (4) REPORT.—Not later than one year after the
11 date of the enactment of this subsection, the Sec-
12 retary of State shall submit a report to the appro-
13 priate congressional committees describing—

14 (A) the efforts made by the United States
15 Government as of the date of the submission of
16 the report in the negotiations described in this
17 subsection; and

18 (B) the actions taken by the governments
19 of ally and partner countries pursuant to the
20 negotiation priorities described in this sub-
21 section.

22 (d) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committees on Armed Services,
2 Foreign Affairs, and Transportation and Infra-
3 structure of the House of Representatives; and

4 (B) The Committees on Armed Services,
5 Foreign Relations, and Commerce, Science, and
6 Transportation, and Armed Services of the Sen-
7 ate.

8 (2) COVERED LOGISTICS SOFTWARE.—The term
9 “covered logistics software” means—

10 (A) the public, open, shared logistics infor-
11 mation network known as the National Public
12 Information Platform for Transportation and
13 Logistics by the Ministry of Transport of China
14 or any affiliate or successor entity;

15 (B) any other transportation logistics soft-
16 ware designed to be used by port authorities
17 subject to the jurisdiction, ownership, direction,
18 or control of a foreign adversary; or

19 (C) any other logistics platform or soft-
20 ware that shares data with a system described
21 in subparagraphs (A) or (B).

22 (3) FOREIGN ADVERSARY.—The term “foreign
23 adversary” means—

1 (A) the People's Republic of China, includ-
2 ing the Hong Kong and Macau Special Admin-
3 istrative Regions;
4 (B) the Republic of Cuba;
5 (C) the Islamic Republic of Iran;
6 (D) the Democratic People's Republic of
7 Korea;
8 (E) the Russian Federation; and
9 (F) the Bolivarian Republic of Venezuela
10 under the regime of Nicolás Maduro Moros.

